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1 I, Robert F. McCauley, declare as follows:

2 1. I am an attorney licensed to practice in California and before this Court, and am a  
3 partner at Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, counsel for Plaintiff Asetek  
4 Denmark A/S (“Asetek”) in the above-entitled action. I submit this declaration in support of the  
5 parties’ Joint Stipulation to Amend Case Schedule. The matters stated herein are based upon my  
6 personal knowledge, and if called as a witness, I could and would testify as to the following  
7 statements:

8 2. The patents-in-suit in this action (U.S. Patent Nos. 8,240,362 and 8,245,764) are the same  
9 as the patents-in-suit in *Asia Vital Components Co. Ltd. v. Asetek Danmark A/S*, Case No. 3:16-cv-  
10 07160-JST (“the AVC case”), and the claim construction hearing date and time are the same for both  
11 cases (November 7, 2017, at 1:30 p.m.). The Court recently entered a stipulated order granting AVC a  
12 30-day extension, until June 30, 2017, to serve invalidity contentions. AVC Dkt. 70, June 12, 2017. The  
13 Court’s Order also modified certain dates that do not affect or change the claim construction hearing. *Id.*

14 3. Counsel for the parties to this action against the Newegg Defendants have been and  
15 continue to be engaged in settlement negotiations in an attempt to informally resolve this dispute. In  
16 view of these settlement negotiations, counsel for the Newegg Defendants recently asked for an  
17 extension of time to serve Invalidity Contentions in this action. Asetek agreed to stipulate to the  
18 same 30-day extension (until June 30, 2017) as had been agreed upon with AVC. Counsel for the  
19 parties also agreed to stipulate to certain additional scheduling changes that generally track the  
20 schedule in the *AVC Case* without affecting the claim construction hearing date. Counsels’  
21 stipulated proposal is contained in the table in the accompanying stipulation.

22 4. To generally track the case schedule in the *AVC case*, the parties to this action  
23 previously filed a stipulated request to amend the case schedule on March 27, 2017 (Dkt. 37), which  
24 was granted on March 27, 2017 (Dkt. 38). Other than two requests by opposing counsel in this  
25 matter for additional time to answer Asetek’s complaint (Dkt. Nos. 19, 20), there have been no other  
26 time modifications to this action.

27

28

1 I declare under penalty of perjury that the foregoing is true and correct and that this  
2 declaration was executed in Palo Alto, California.

3 Dated: June 14, 2017

Respectfully submitted,

4 FINNEGAN, HENDERSON, FARABOW,  
5 GARRETT & DUNNER, LLP

6 By: /s/ Robert F. McCauley  
7 Robert F. McCauley  
Attorneys for Plaintiff Asetek Danmark A/S

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